

Danielle M. Kays

From: Danielle M. Kays
Sent: Wednesday, March 19, 2008 4:40 PM
To: 'Rory Valas'
Cc: Fredric Cohen; 'CCaruso@schwartzcooper.com'; 'srosenberg@schwartzcooper.com'
Subject: Kumon v. STS & Shah discovery

Rory:

I am writing pursuant to Rule 37 to address the deficiencies in the Steps to Success and Shah discovery responses and Rule 26(a)(1) initial disclosures. We have not received your documents in response to Kumon's Request for Production and thus cannot evaluate the adequacy of that response. Please send to us copies of the documents referenced in your clients' response to Kumon's request for production of documents, and bill us for the cost.

The following are outstanding items in Steps to Success and Shah's responses to interrogatories: (1) In interrogatory 4, your clients' response does not include the dates of employment, qualifications, or salary for each individual; and (2) in response to interrogatories 3, 4, 5, 6 and 8, your clients indicate that they have responded for the "relevant time period." However, in these interrogatories, Kumon inquires about the time period from January 1, 1992 until the present. Please confirm that the "relevant time period" for which you have answered is equivalent to the time period for which we asked in each interrogatory. If your clients have answered for any period of time less than what Kumon has asked, then you must provide a response for the remaining time period requested.

Additionally pursuant to Fed. R. Civ. Pro. 26(a)(1), you are required to disclose the name, address and telephone number of each individual you list. Instead, you have generically identified the "parents" of certain students in your clients' disclosure, and fail to even list the names of the parents, let alone those individuals' addresses or telephone numbers.

Finally, we intend to depose Pali Shah on April 17 and 18. We again ask you to confirm these dates for her deposition. We further request dates for the depositions of all individuals listed in your responses to interrogatories No. 4 and 9.

Please provide us with this required information as addressed above and contact me with any questions.

Regards,

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